



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, मंगलवार, 29 अगस्त, 1995/7 भाद्रपद, 1917

हिमाचल प्रदेश सरकार

AGREEMENT UNDER SECTION 41 OF THE LAND ACQUISITION ACT, 1894

Articles of agreement made this 25th day of August One Thousand Nine Hundred and Ninety Five, between the Gujarat Ambuja Cements Limited, a Company registered under the Company's Act, 1956 and having its registered office at Vadnagar, Taluka Kodinar, District Amreli, Gujarat State, through Shri P. C. Jain, President appointed by the Company as its Attorney (hereinafter called "the Company" which expression shall include its heirs, successors and assigns) of the one part and the Government of Himachal Pradesh through the Secretary (Industries) to the Government of Himachal Pradesh (hereinafter called the 'Government', which expression shall include, his successors in office and assign's) of the other part.

Whereas, upon the application of the Company for acquisition of land for mining purpose, the Government of Himachal Pradesh have agreed to acquire on behalf of the company under the provisions of the Land Acquisition Act, 1894 (1 of 1894), the pieces or parcels of land described and delineated in the Schedule hereto annexed and situated in villages Swag and Ladi, Tehsil Arki, District Solan, Himachal Pradesh, measuring 162.09 Bighas having been shown to the satisfaction of the said Government that the proposed acquisition is needed for mining purposes, and whereas the said government have called upon the Company under the provision of Section 41 of the said Act to enter into the agreement with the Government hereafter contained.

Now these presents witness and it is hereby agreed and declared as follows :

1. On demand, the Company shall and will pay to the said Government of Himachal Pradesh all and every compensation in respect of the said land tendered, paid or awarded to be tendered paid or awarded by the Collector under the Land Acquisition Act, 1894, or by Court or Courts to which an appeal from the award of the said Court may be preferred and all costs charges and expenses of the proceedings in the aforesaid Courts or otherwise incidental to the proposed acquisition or payable in respect thereof under the provisions of the said Act.

2. On demand, made by the said Collector, the obligation of the Company under the last preceding clause not being thereby limited, the Company shall and will deposit with the said Collector such sum or sums of money as in his discretion the said Collector may in anticipation estimate to be necessary for the purposes mentioned in the last preceding clause.

3. On payment by the Company of all demands under the foregoing first clause, or, in the discretion of the said Government of Himachal Pradesh (on deposit by the Company of all estimated amount as provided in the second clause) but not before possession shall have been taken under the provisions of the said land to the company and shall execute and do all such acts and deeds as may be necessary and proper for effectually vesting the same in the Company.

4. In case, the Company has offered the land and construction etc. in it as security with the previous sanction of the Government for raising loans from Financial Institutions, Banks etc. within India and outside, the Government shall not have recourse to its rights or resumption of the lands under this clause, during the period such loan is outstanding.

5. The said land shall be held by the Company for the purposes for which it is acquired or purpose legitimately connected as is hereinbefore mentioned and without the sanction in writing of the said Government of Himachal Pradesh first had and obtained for no other purpose whatsoever.

6. Should the said lands not be held by the Company for the purposes for which it is acquired legitimately connected as is hereinbefore mentioned within a period of three years from the date on which possession of the said land shall have been given to the Company within such further period as in its discretion may be prescribed or allowed by the State Government of Himachal Pradesh or should the lands at any time thereafter cease for a period of 36 consecutive months or ceased to be required for the purpose or purposes provided for in the foregoing 4th clause and in any such case the said Government may summarily re-enter upon and take possession of the said land together with all

buildings thereon whether such buildings were erected before or after transfer or the land to the Company and thereupon the interest of the Company in the said land and buildings shall cease and determine.

IN WITNESS whereof the seal of the Company has been affixed and the Government of the State of Himachal Pradesh hereinto set his hand and seal, the day month and year herein above mentioned.

For and on behalf of
Gujarat Ambuja Cements
Ltd.

Witness:

- 1.
- 2.

Sd/-
Deputy Secretary (Industries),
Government of Himachal Pradesh,
Shimla-2.

P. C. JAIN,
President,
For Gujarat Ambuja Cements.
Ltd.

Authorised Attorney

P. C. JAIN,
President,
For and on behalf of the
Government of Himachal Pradesh.

Sd/-

Sd/-

S. S. MUMICK, G.M., GACL.

Through the Secretary (Industries)
to the Government of Himachal Pradesh.

Sd/-

2. Dinesh Sharma,
Sr. Asstt. GACL.

Sd/-

F. C.-cum-Secretary (Industries),
Govt. of Himachal Pradesh.

SCHEDULE

District	Tehsil	Village	Khasra No.	Area Bighas
1	2	3	4	5
Solan	Arki	Swag (Hadbast No. 174)	221/2	6.00
			120	3.2
			4	7.1
			131	8.17
			34	1.06
			114	10.7
			121	3.07
			33	4.08
			260/5	7.16
			119	0.18

3604

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1	2	3	4	5
			123	5.08
			116	1.06
			256/132	5.09
			255/132	1.15
			115	1.01
			122	0.11
			258/3	7.08
			117	1.17
			118	0.05
				78.02
Solan	Arki	Ladi (Hadbast No. 177)	25	6.06
			26	1.02
			27	0.10
			28	1.10
			29	1.14
			30	24.12
			31	35.07
			38	13.06
				84.07

Witness :

1._____

for and on behalf of
Gujarat Ambuja Cements Ltd.

2._____

(P. C. JAIN) President,
For Gujarat Ambuja Cement
Authorised Attorney.Deputy Secretary (Industries)
Govt. of Himachal Pradesh
Shimla-2

Witness :

P. C. JAIN
President

1._____

For and on behalf of
The Government of Himachal Pradesh.

S. S. Mumick, G. M. GACL

Through the Secretary (Industries)
to the Government of Himachal Pradesh.

2._____

Sd/-

F. C.-cum-Secretary (Inds.)
Govt. of Himachal Pradesh
25-8-95

UNDERTAKING

The Company (Gujarat Ambuja Cements Ltd.) has made an application to the Government regarding acquisition of land for mining purpose in the villages of Sawag and Ladi. Regarding some objections of villagers/landowners and queries of some Government Officials the company gives an undertaking as below:

1. The Company undertakes not to do mining in the area where burial ground exists.
2. No mining activity shall take place in the area where temple exists or if at all that area is very necessary, the temple shall be shifted to a location mutually agreed upon between the company and the land owners. The company also undertakes to bear the cost of shifting of the said temple in that eventuality.
3. The company shall also take due care while undertaking the mining activities so that no damage is done to the link road.
4. The Company shall take due care to maintain the water sources, if any, while undertaking the mining activities in these areas.
5. The Company also undertakes to pay due compensation to the individuals whose non fruit trees are coming in the area under acquisition after getting the valuation done from the concerned department.
6. Due care from environment point of view shall be taken by the company to ensure that no damage to the adjoining areas is done due to mining and all the areas after mining shall be reclaimed as per the Mining Plan which has been approved by Indian Bureau of Mines and Director General (Mining Safety).
7. Compensation as per the laid down norms and as assessed by the concerned Government Department shall be paid to the land owners for their fruit trees.

This undertaking is being given by the Company as required by the government so that agreement under Section 41 with the Government may be executed.

For GUJARAT AMBUJA CEMENTS LTD.
UNIT-HIMACHAL

S. S. MUMICK
General Manager (ADMN.)

Sd/-
for Gujarat Ambuja Cement Ltd.

P. C. JAIN
President.

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नियन्त्रक, मुद्रण तथा लेखन सामग्री, हिमाचल प्रदेश, शिमला-5 द्वारा भुद्रित तथा प्रकाशित।